

Serial No. 10/634,535

Docket No. NG(MS)6619

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REMARKS

Claims 1-6 are currently pending in the subject application, and are presently under consideration. Claims 1-6 are rejected. Claims 8-14 and 16-24 have been withdrawn from consideration. This amendment is not meant to limit the claims in any manner. Favorable reconsideration of the application is requested in view of the amendments and comments herein.

I. Objection of Claims 4 and 5 for Informalities

Claims 4 and 5 are objected to because of informalities. Appropriate corrections have been made and withdrawal of this objection is respectfully requested.

II. Rejection of Claims 1 - 6 Under 35 U.S.C. §103(a)

Each of claims 1-6 stand rejected under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) as unpatentable over U.S. Publication No. 2006/0241865 to Smith ("Smith") in view of U.S. Publication No. 2003/0017646A1 to Sridharan, et al. ("Sridharan") and a number of secondary references. A Declaration under 35 C.F.R. §1.131 is being filed with this Amendment. The Declaration could not be presented earlier, because Smith was first cited in the Final Office Action of March 22, 2007. The Declaration presents facts showing a completion of the claimed invention in this country before March 13, 2003, which is the earliest available priority date of Published Application U.S. 2006/0241865. In view of 37 CFR §1.131(b), it is respectfully submitted that the showing of facts is such, in character and weight, as to establish reduction to practice in this country prior to March 13, 2003. Therefore, it is respectfully submitted that Smith should be withdrawn as a reference.

Since each one of claims 1-6 was rejected over one or more references including Smith, applicant respectfully submits that the prior art rejection of claims 1-6 is moot, and applicant requests that it be withdrawn.

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CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests reconsideration of this application and that the application be passed to issue.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

Date

6/18/07

Christopher P. Harris
Registration No. 43,660

CUSTOMER NO.: 26,294

TAROLLI, SUNDHEIM, COVELL, & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND, OHIO 44114
Phone: (216) 621-2234
Fax: (216) 621-4072